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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,976	11/03/2003	Hemanta K. Dutta	RPS920030099US1	5014
47052 7590 02/09/2007 SAWYER LAW GROUP LLP PO BOX 51418 PALO ALTO, CA 94303			EXAMINER BAROT, BHARAT	
			ART UNIT 2155	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/699,976

**Applicant(s)**

DUTTA ET AL.

**Examiner**

Bharat N. Barot

**Art Unit**

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/03/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

**Specification**

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

**Claim Rejections - 35 USC § 101**

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 7-12 are rejected under 35 U.S.C. 101 because the claimed-invention of the claims 7-12 are directed to the non-statutory subject matter. Claims 7 and 12 recited "A computer readable medium with program instructions for....., comprising the instructions for:....." which is non-statutory as not being tangibly embodied in a storage medium and in a manner so as to be executable by a computer/processor.

**Claim Rejections - 35 USC § 102(b)**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogle et al (U.S. Patent No. 5,313,638). Ogle's patent meets all the limitations for claims 1-12 recited in the claimed invention.

6. As to claim 1, Ogle et al teach a method for performing state based ingress packet selection for a packet processing system in a network processor (see abstract; figures 1-2; column 1 lines 9-11; and column 2 lines 33-58), comprising the steps of: assigning a set of message classes (segments or slots) to a semaphore, the set of message classes is associated with a state of an application (user program); receiving a message; determining if the message belongs to a message class in the set of message classes; and waking the application by the semaphore if the message belongs to the message class in the set of message classes (figures 3A-3B; and column 2 line 50 to column 3 line 40).

7. As to claims 2-4, Ogle et al teach the steps of: blocking the semaphore by the application; signaling the blocked semaphore, if the message belongs to the message class in the set of message classes; and waking the application by the signaled semaphore (figures 6A-6B; column 1 line 43 to column 2 line 12; and column 3 lines 47-59).

8. As to claim 5, Ogle et al teach that processing the message by the awakened application (column 3 lines 56-59).

9. As to claim 6, it is also rejected for the same reasons set forth to rejecting claims 1-5 above, since claim 6 does not teach or define any new limitations than above rejected claims 1-5.

10. As to claims 7-12, they are also rejected for the same reasons set forth to rejecting claims 1-6 above, since claims 7-12 is merely a computer product for the method of the operations defined in the method claims 1-6 contain similar limitations rejected in the claims 1-6.

#### **Additional References**

11. The examiner as of general interest cites the following references.


- a. Heddes et al, U.S. Patent No. 7,143,414.
- b. Calvignac et al, U.S. Patent No. 7,089,555.
- c. Gebhart et al, U.S. Patent No. 6,604,150.
- d. Lipe et al, U.S. Patent No. 5,784,615.

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**Contact Information**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

  
BHARAT BAROT  
PRIMARY EXAMINER

Patent Examiner Bharat Barot

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January 29, 2007